

Appl. No. 09/877,757

Amdt. Dated 08/15/2003

Reply to Office Action of 07/30/2003

AMENDMENTS TO THE CLAIMS

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1. (Currently Amended) An improved packaging for establishing optimum atmospheric conditions for respiring produce, comprising:
a non-porous polymeric material;
a set of microperforations on said polymeric material, wherein said set of microperforations are drill holes and based on a number and a size of said microperforations, control said optimum atmospheric conditions within specified O₂ and CO₂ concentrations for said respiring produce, said optimum atmospheric conditions being different than ambient air, and wherein said set of microperforations are placed in a registered target area on said polymeric material.
 2. (Previously presented) The improved packaging material according to claim 1, wherein said polymeric material is selected from the group consisting of polyethylene, polypropylene, polyester, nylon, polystyrene, styrene butadiene, cellophane, and polyvinyl chloride, in monolayers, coextrusions, or laminates.
 3. (Original) The improved packaging material according to claim 1, wherein said polymeric material is heat-sealable.
 4. (Original) The improved packaging material according to claim 1, wherein said polymeric material has a thickness in the range of 0.4 to 8 mil.
 5. (Original) The improved packaging material according to claim 1, wherein said polymeric material provides a total O₂ Flux ranging from 150 cc/day-atm to 5,000,000 cc/day-atm.

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6. (Original) The improved packaging material according to claim 1, wherein said polymeric material provides a total O₂ Flux ranging from 200 cc/day-atm to 1,500,000 cc/day-atm.
7. (Original) The improved packaging material according to claim 1, wherein said polymeric material forms a bag.
8. (Previously Amended) The improved packaging material according to claim 1, wherein said polymeric material is a heat sealable film forming a lid.
9. (Original) The improved packaging material according to claim 1, wherein said polymeric material is formed into a semi-rigid container with a thickness greater than 25 mil.
10. (Currently Amended) The improved packaging material according to claim 7, wherein said bag is substantially enclosed has an upper portion about an opening with a top seal, a bottom seal, and a pair of side seals of said bag, and wherein said registered target area is a small identifiable area in an upper within one-quarter distance from said top seal of said upper portion of said bag.
11. (Currently Amended) The improved packaging material according to claim 7, wherein said bag is substantially enclosed has an upper portion about an opening with a top seal, a bottom seal, and a pair of side seals of said bag, and wherein said registered target area is a small identifiable area in an upper within one-third distance from said top seal of said upper portion of said bag.
12. (Previously Presented) The improved packaging material according to claim 1, wherein said registered target area is located in an area that prevents occlusion of the microperforations by product, labels or other packages.

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13. (Previously Presented) The improved packaging material according to claim 1, wherein each of said microperforations has an average diameter between 110 and 400 microns.
14. (Previously Presented) The improved packaging material according to claim 1, wherein said polymeric material has a CO₂ transmission rate that is 2.5 to 5.0 times greater than the O₂ transmission rate.
15. (Withdrawn) A produce packaging material produced by the process of:
- a) selecting an appropriate polymeric base material for optimum specified CO₂/O₂ transmission rates based on produce specific O₂ and CO₂ transmission rates and the quantity of said produce;
 - b) calculating an optimal number/size of microperforations for said base material, based on produce-specific O₂ and CO₂ transmission rate requirements, produce weight, and storage temperature;
 - c) locating a target area on said base material;
 - d) positioning a laser over said target area; and
 - e) drilling said microperforations in said target area with said laser.
16. (Withdrawn) The improved packaging material according to claim 15, wherein said laser is a CO₂ laser.
17. (Withdrawn) The improved packaging material according to claim 15, wherein said optimal number/size of microperforations is based on produce-specific O₂ and CO₂ transmission rate requirements, produce weight, and storage temperature
18. (Withdrawn) The improved packaging material according to claim 15, wherein said step of locating a target area uses a sensor.

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19. (Withdrawn) The improved packaging material according to claim 17, wherein said sensor is selected from the group comprising a through-beam photoelectric sensor and a photoelectric proximity sensor.

20. (Withdrawn) The improved packaging material according to claim 15, wherein said step of calculating said required O₂ flux by the microperforations is based on the formula :

$$\text{Flux}_{\text{O}_2\text{-MP}} (\text{cc/day-atm}) = \text{Flux}_{\text{O}_2\text{-Total}} - \text{Flux}_{\text{O}_2\text{-film}}$$

Where:

$$\text{Flux}_{\text{O}_2\text{-film}} (\text{cc/day-atm}) = \text{OTR}_{\text{base-film}} (\text{cc/m}^2\text{-day-atm}) \times A_s (\text{m}^2)$$

$$\text{Flux}_{\text{O}_2\text{-total}} = \text{OTR}_T \text{ cc/m}^2\text{-day-atm} \times A_s (\text{m}^2)$$

And:

$$\text{OTR}_T = [(M \times \text{RR}) / (A_s P (0.21 - \text{IntO}_2))] \times 24 \text{ hrs/day}$$

where,

OTR_T = total OTR required for the package in cc O₂ / m²-day-atm

M = mass of produce (kg)

RR = respiration rate (cc O₂/kg/hr) @ the expected storage temperature

A_s = breathable surface area of the package (m²)

P = atmospheric pressure (atm), assumed to be 1

Int O₂ = desired O₂ atmosphere inside the package stated as a volume fraction (i.e., if the desired O₂ is 8%, the volume fraction is 0.08);

and the value 0.21 represents the volume fraction of O₂ in ambient air.

21. (Previously Presented) The improved packaging material according to claim 1, wherein each of said microperforations has an average diameter in the range between 120-160 microns.

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22. (Previously Presented) The improved packaging material according to claim 1, wherein said polymeric material has a CO₂ transmission rate that is 3.4 to 4.0 times greater than the O₂ transmission rate.
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